IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31854 of 2007(P)

PETITIONER:

K.K.SARATCHANDRA BHATTATHIRI,
(SPECIAL ASISTANT, KSRTC, NEDUMANGAD,
RTD. ON 31.7.2005), MUDUVEETTUMADAM,
PUTHUKULANGARA P.O., NEDUMANGAD,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENT:

KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM.

BY ADV.MR.JOHNSON P.JOHN, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C) No.31854 of 2007

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Dated: 26th October, 2007

JUDGMENT

In this Writ Petition the petitioner who retired as Special Assistant from the K.S.R.T.C. seeks out of turn release of his retiral benefits on the ground that his daughter, Santhi is to be married off and funds are necessary for conducting the marriage. Ext.P2 is the wedding invitation card which will prima facie show that the marriage is scheduled to be conducted on 11th December, 2007. Ext.P2A is the receipt issued by the Travancore Devaswom Board against the booking of Kalyana Mandapam. The petitioner relies also on Ext.P3 judgment of the Division Bench of this court in W.A.No.1775 of 2004. Counsel for the petitioner explains that the recent judgment of the Division Bench, wherein the practice of releasing out of turn payments on the ground of marriage in the family was deprecated, was in a case relating to conduct of marriage of the son of the petitioner in that case and hence distinguishable from the facts of this case.

2. Having considered the submissions addressed before me by Mr.K.P.Rajeevan, counsel for the petitioner and Mr.Johnson P.John, Standing Counsel for the K.S.R.T.C. and having considered the

materials placed on record, particularly Exts.P2 and P2A, I am of the view that there is justification for directing release of the commuted value of pension due to the petitioner. Accordingly, this Writ Petition will stand disposed of issuing the following directions:

The K.S.R.T.C. (the respondent) is directed to release all the amounts due to the petitioner on account of commuted value of pension at the earliest and at any rate before the 30th November, 2007.

srd **PIUS C.KURIAKOSE, JUDGE**